

Message Text

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ORIGIN ACDA-10

INFO OCT-01 EUR-12 ISO-00 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-02 PRS-01 SP-02 SS-15

USIA-15 EA-09 ERDA-07 IO-10 EB-07 NRC-07 OES-05

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PM/DCA:HPHELPS

EUR/NE:CFLOYD (INFO)

S/S:MR. ORTIZ

----- 113009

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FM SECSTATE WASHDC

TO AMEMBASSY LONDON PRIORITY

UNCLAS STATE 244637

E.O. 11652:N/A

TAGS:PARM, UK

SUBJECT:USE OF CHEMICAL IRRITANTS DURING THE MAYAGUEZ

----- AFFAIR

REF: A-689 (AUGUST 5, 1975)

1. EMBASSY SHOULD DRAW ON FOLLOWING IN RESPONDING TO IN-
QUIRIES REPORTED REF.

A. RIOT CONTROL AGENT CS WAS USED IN THE MAYAGUEZ
RESCUE OPERATION. ITS USE WAS AUTHORIZED IN ADVANCE BY THE
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PRESIDENT IN ACCORDANCE WITH EXECUTIVE ORDER 11850 AND WE

CONSIDER SUCH USE NOT TO BE IN VIOLATION OF THE GENEVA
PROTOCOL.

B. NO CONGRESSIONAL HEARINGS RELATING TO THE USE OF
RIOT CONTROL AGENTS WERE HELD ON SEPTEMBER 10, 1974.
HEARINGS WERE HELD ON DECEMBER 10, 1974; HOWEVER, CONTRARY
TO INFORMATION REPORTED REF, THE ADMINISTRATION DID NOT
THEN OR AT ANY OTHER TIME RULE OUT THE POSSIBILITY OF
USING RIOT CONTROL AGENTS IN OTHER THAN WAR-TIME CIRCUM-
STANCES.

C. THE USG DOES NOT BELIEVE THE GENEVA PROTOCOL PRO-
HIBITS THE USE IN WAR OF RIOT-CONTROL AGENTS; HOWEVER,
THE USG HAS RENOUNCED, AS A MATTER OF NATIONAL POLICY,
FIRST USE IN WAR EXCEPT IN DEFENSIVE MILITARY MODES TO
SAVE LIVES SUCH AS (OR CLOSELY ANALOGOUS) TO THE FOLLOWING:

----- (A) USE OF RIOT CONTROL AGENTS IN RIOT CONTROL
SITUATIONS IN AREAS UNDER DIRECT AND DISTINCT U.S. MILI-
TARY CONTROL, TO INCLUDE CONTROLLING RIOTING PRISONERS OF
WAR.

----- (B) USE OF RIOT CONTROL AGENTS IN SITUATIONS IN
WHICH CIVILIANS ARE USED TO MASK OR SCREEN ATTACKS AND
CIVILIAN CASUALTIES CAN BE REDUCED OR AVOIDED.

----- (C) USE OF RIOT CONTROL AGENTS IN RESCUE
MISSIONS, IN REMOTELY ISOLATED AREAS, OF DOWNED AIRCREWS
AND PASSENGERS, AND ESCAPING PRISONERS.

----- (D) USE OF RIOT CONTROL AGENTS IN REAR ECHELON
AREAS OUTSIDE THE ZONE OF IMMEDIATE COMBAT TO PROTECT
CONVOYS FROM CIVIL DISTURBANCES, TERRORISTS AND PARA-
MILITARY ORGANIZATIONS.

D. THE USG CONSIDERS THE USE OF RCAS IN THE MAYAGUEZ
SITUATION TO BE ENTIRELY CONSISTENT WITH THE TERMS OF THE
EXECUTIVE ORDER AS A USE CLOSELY ANALOGOUS TO USE IN
RESCUING DOWNED AIRCREWS AND PASSENGERS. INGERSOLL

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